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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,446	03/14/2001	Jung-wan Ko	1293.1108	2059
21171	7590	10/19/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			BONURA, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			2114	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,446

Applicant(s)

KO ET AL.

Examiner

Tim Bonura

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-42 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9-11, 15 and 43 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8, 12-14, 16, 44 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/15/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7, 9-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helper, U.S. Patent Number 5,432,801 and further in view of Nakane, U.S. Patent Number 6,621,782. Regarding claim 1:

- a. Regarding the limitation of “operating the recording and reproducing apparatus in a read or write mode, using a test disc with test reference information,” Helper discloses an error detection algorithm using a reference disc that reads values from the disc and performs first and second error detection. (Lines 19-27 of Column 2).
- b. Regarding the limitation of “checking whether the recording and reproducing apparatus operates in the read or write mode to verify the DMA information analyzing function of the recording and reproducing apparatus,” Helper discloses an optical disc system. Helper also discloses that the test data passes through application specific integrated circuitry. (Lines 7-12 of Column 3). Helper does not verify the operations of the DMA information analyzing function in a read and write mode. Nakane discloses an optical media with primary and secondary DMA. (Lines 13-17 of Column 3). Nakane discloses a system that can test and analysis tests of data from an optical media in a record or reproduce mode. (Lines 59-63 of Column 4). It would have been obvious to

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one of ordinary skill in the art to combine Helper's testing of an optical disc system error checking circuitry with Nakane's test and analysis recording or reproducing apparatus of DVD DMA. One of ordinary skill in the art would have been motivated to combine the art because Helper discloses that additional media and format types can be checked based on criteria (Lines 44-50 of Column 5), likewise Nakane discloses that means to detect errors DVD-RAM via varying criteria. (Lines 3-12 of Column 9).

c. Regarding the limitation of "a method of verifying a defect management area (DMA) information analyzing function of a recording and/or reproducing apparatus which records information on or reproduces information from a disc with DMA information," Nakane discloses a system with a method of managing defects on a disc using criteria for detecting defects according to the type of data for which defects are detected and verification of the data having been recorded onto the disc. (Lines 48-67 of Column 4).

3. Regarding claim 2, Nakane discloses a system wherein the test data is stored on an optical disk. (Lines 40-43 of Column 4). It is well known in the art to mirror or make copies of optical discs for distribution purposes by software manufactures.

4. Regarding claim 3, Nakane discloses a system wherein the test data is stored on an optical disk. (Lines 40-43 of Column 4). DMA information is included on all DVD disks. Thereby both Nakane and Jeong teach of DMA files. It is well known in the art to mirror or make copies of optical discs for distribution purposes by software manufactures.

5. Regarding claim 7, Nakane discloses a system wherein the test disc can be an interchangeable (Lines 41-46 of Column 7).

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6. Regarding claim 9:

d. Regarding the limitation of “using a test disc with test reference information,”

Helper discloses an error detection algorithm using a reference disc that reads values from the disc and performs first and second error detection. (Lines 19-27 of Column 2).

e. Regarding the limitation of “a drive to be tested translating the DMA information recorded on the test disc when the test disc is loaded thereinto and attempting to perform a process in read or write mode,” Helper discloses a optical disc system. Helper also discloses that the test data passes through application specific integrated circuitry. (Lines 7-12 of Column 3). Helper does not verify the operations of the DMA information analyzing function in a read and write mode. Nakane discloses an optical media with primary and secondary DMA. (Lines 13-17 of Column 3). Nakane discloses a system that can test and analysis tests of data from an optical media in a record or reproduce mode. (Lines 59-63 of Column 4). It would have been obvious to one of ordinary skill in the art to combine Helper’s testing of an optical disc system error checking circuitry with Nakane’s test and analysis recording or reproducing apparatus of DVD DMA. One of ordinary skill in the art would have been motivated to combine the art because Helper discloses that additional media and format types can be checked based on criteria (Lines 44-50 of Column 5), likewise Nakane discloses that means to detect errors DVD-RAM via varying criteria. (Lines 3-12 of Column 9).

f. Regarding the limitation of “an apparatus for testing a defect management area (DMA) information analyzing function of a recording and/or reproducing apparatus which records information on or reproduces information from a disc with DMA

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information," Nakane discloses a system with a method of managing defects on a disc using criteria for detecting defects according to the type of data for which defects are detected and verification of the data having been recorded onto the disc. (Lines 48-67 of Column 4).

7. Regarding claim 10, Nakane discloses a system wherein the test data is stored on an optical disk. (Lines 40-43 of Column 4). It is well known in the art to mirror or make copies of optical discs for distribution purposes by software manufactures.

8. Regarding claim 11, Nakane discloses a system wherein the test data is stored on an optical disk. (Lines 40-43 of Column 4). DMA information is included on all DVD disks.

Thereby both Nakane and Jeong teach of DMA files. It is well known in the art to mirror or make copies of optical discs for distribution purposes by software manufactures.

9. Regarding claim 15, Nakane discloses a system wherein the test disc can be an interchangeable (Lines 41-46 of Column 7).

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claim 43 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 62 of copending Application No. 09/805,437. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 43 states “a light source to emit a light; a focusing element to focus the light onto the optical disc to record and reproduce the information; a controller to control the light source, said controller being verified to update and generate defect management are information.” Claim 62 states “a light source to emit a light; a focusing element to focus the light onto the optical disc to record and reproduce the information; a controller to control the light source and update and generate defect management area information after performing extending a supplementary spare area on the optical disc so that the defect management information is compliant with a standard.” Claim 43 is a broader form of claim 62 is the co-pending application.

Allowable Subject Matter

12. Claims 17-42 are allowed.
13. Claims 4-6, 8, 12-14, 16, and 44-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
14. The following is a statement of reasons for the indication of allowable subject matter:
- g. Regarding claim 4-5, 12-13: The prior art of record fails to teach a test reference information is DMA mirror file in which a start logical sector number of at least one zone is wrongly recorded.

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- h. Regarding claim 6, 14: The prior art of record fails to teach a test reference information is DMA mirror file in which a start logical sector number each zone is wrongly recorded.
- i. Regarding claim 8: The prior art of record fails to teach translating the DMA information recorded on the test disc when the test disc is loaded thereinto and attempting to perform a process in a read or write mode.
- j. Regarding claim 16: The prior art of record fails to teach recording to a blank disc regardless of the condition of the disc.

Response to Arguments

- 15. Applicant's arguments filed 06/15/2004 have been fully considered but they are not persuasive.
- 16. Regarding claim 1, the applicant argues that the prior art of record does not teach, "that the A-CRC processor 32 or the B-CRC processor 33 are verified by the error process to determine that the processors 32, 33 are operating correctly" (Page 9 of the applicants response, 6/15/04). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., verified by the error process to determine that the processors 32, 33 are operating correctly) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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17. Regarding claim 3, the applicant argues that Nakane does not suggest using DMA information from a mirror file. Nakane discloses that an entire DVD is mirrored. That would include any DMA portion of the DVD. Thereby the examiner contends that Nakane would disclose the claimed feature. (Lines 40-43 of Column 4).

18. Regarding claims 43 and 44, the examiner obtained a copy of the final claims as allowed for the co-pending application. Since the case has been allowed and the claims were not changed, double patenting is maintained.

19. Applicant's arguments, filed 6/15/2004, with respect to claims 17-42 have been fully considered and are persuasive. The rejection and objections of the claims have been withdrawn.

20. Regarding the applicants request for acknowledgement over the foreign priority, the examiner has checked the box on the Office Action Summary sheet as requested.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.
 - The examiner can normally be reached on **Mon-Fri: 8:30-5:00**.
 - The examiner can be reached at: **571-272-3654**.
- If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Rob Beausoliel**.
 - The supervisor can be reached on **571-272-3645**.
- The fax phone numbers for the organization where this application or proceeding is assigned are:
 - **703-872-9306 for all patent related correspondence by FAX.**
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **571-272-2100**.

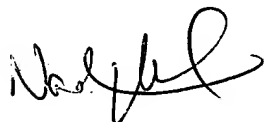
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- Responses should be mailed to:

- **Commissioner of Patents and Trademarks**

P.O. Box 1450

Alexandria, VA 22313-1450



Tim Bonura
Examiner
Art Unit 2114

tmb

NADEEM IQBAL
October 18, 2009 **PRIMARY EXAMINER**